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CORRESPONDENCE MEMORANDUM

DATE: February 21, 2013
TO: GIB Strategic Planning Workgroup
FROM: David H. Nispel, General Counsel
SUBJECT: Open Meetings Law and Meeting Expenses

Rob Marchant and Lisa Ellinger asked me to offer advice regarding the application of the open meetings law to the meetings of the Strategic Planning Workgroup. They also requested my advice regarding certain organizational issues and payment of expenses related to attending meetings of the workgroup. Accordingly, I am forwarding this memorandum regarding those matters for your consideration.

Open Meetings Law And Notice Of Meetings Issues

It is my understanding the GIB Strategic Planning Workgroup (Workgroup) will consist of a quorum of GIB members who have expressed interest in participating in the Planning Workgroup.

I believe that the Workgroup falls within the definition of a “governmental body” as defined in s. 19.82, Wis. Stats., and that the Wisconsin Open Meetings Law is applicable. Under this law, “all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.”

As is the case with all meetings of a governmental body, each meeting of the Workgroup must be preceded by public notice as provided in s. 19.84, Wis. Stats. The notice should be posted in the same locations as occurs for board meetings and sent to the official state newspaper. The notice should set forth the time, date, place and subject matter of the meeting. It should appear at least 24 hours prior to the meeting.

Since the Workgroup consists of a quorum of the GIB itself, I suggest that language be included in the meeting notice that indicates it is expected a quorum of the GIB will be present during the Planning Workgroup meeting and consequently will constitute a meeting of the GIB as the term “meeting” is defined in s. 19.82 (2), Wis. Stats. My recollection is somewhat similar language occasionally appears in some of

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ETF's meeting notices, when we expect that a quorum of one board may appear at a meeting of another group.

If it is anticipated that the Workgroup will need to meet in closed session, one of the exemptions listed in s. 19.85, Wis. Stats., must be identified in the meeting notice.

Is It Necessary To Have A Chairperson, etc.

It appears that the Workgroup satisfies the definition of a "board", which appears in s. 15.01 (1r). That statute defines a "board" to mean: "a part-time body functioning as the policy-making unit for a department or independent agency or a part-time body with policy-making or quasi-judicial powers." Therefore, I believe it is necessary to have officers for the Workgroup.

Pursuant to s. 15.07 (2), Wis. Stats., at its first meeting each year, "every board shall elect a chairperson, vice chairperson and secretary" So, while I would like to say that we can just keep this informal, I think the Workgroup needs to have officers since it meets the definition of a "board."

How Extensive Must The Minutes Be

There is no statutory requirement that minutes of the meetings be taken. However, s. 19.88 (3), Wis. Stats., provides that motions and roll call votes "shall be recorded, preserved and open to public inspection" So, I suggest that minutes of each meeting should be prepared and maintained. The minutes should include motions and votes on those motions. But, the Workgroup can decide for itself how extensive the minutes should be.

Do The Board Members Receive Per Diem Payments

The reimbursement for expenses and compensation issues are covered by s. 15.07 (5), Wis. Stats. That statute provides that "the members of each board shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties " That would include hotel, meal and mileage expenses. Pursuant to s. 15.07 (5) (f), Wis. Stats., the GIB members receive a per diem of \$25.